

Zoning Board of Appeals
March 12, 2021
11:00 a.m.
via Video-Conferencing and
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Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Vice Chairman
Craig R. Humphrey, Member
Philip O'Connell, Member
Joseph Rose, Member
Andrew Baris, Alternate Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Andrew E. Goldstein, Applicant
Jonathan Tarbet, Attorney on behalf of 40 Middle Lane LLC and 7 Chauncey LLC
James Sykes, Neighbor of 40 Middle Lane LLC
Michele Hugo, Architect on behalf of 7 Chauncey LLC
Jason Nower, LTV Moderator
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Good morning, welcome to the Zoning Board of Appeals' meeting for the Village of East Hampton for Friday, March 12th.

Minutes

Mr. McGuirk: We have the minutes from **February 12, 2021**. May I have a motion?

Mr. McMullan: I make a motion

Mr. O'Connell: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Aye.

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Ms. Bennett: Within 300 feet of the subject property.

Mr. Rose: Right, okay, I just want to make sure so if there was, in fact, an objection from the neighbor, we would have heard it.

Mr. McMullan: Okay, thank you.

Mr. Goldstein: Thank you.

Mr. McMullan: I will turn it back to John then.

Ms. Bennett: Do we have a motion to close?

Mr. O'Connell: I second the motion to close.

Ms. Bennett: Thank you.

CONTINUED HEARING

Daniel Faber and Rachelle Shaw – 70 Dayton Lane – SCTM #301-2-7-22

CONTINUED HEARING

JABR LLC – 209 Further Lane – SCTM #301-5-2-14.2

Mr. McGuirk: We have two applicants on the continued hearings that I believe one applicant, Daniel Faber and Rachelle Shaw, 70 Dayton Lane, I believe they are waiting for surveys and then we have JABR LLC, 209 Further Lane, I believe we are waiting for a Planning Board decision. Is that true, Ms. Bennett?

Ms. Bennett: I believe so, I think it is in the Planning Board's hands.

ADJOURNMENT REQUEST

Under One Roof LLC – 29 King Street – SCTM #301-2-1-1

Mr. McGuirk: And then under the hearings, Under One Roof LLC, 29 King Street, has asked to be adjourned until next month, I believe that is April 9th.

APPLICATION WITHDRAWN

Eric and Lori Blatstein – 211 Lily Pond Lane – SCTM #301-15-4-12

Mr. McGuirk: And Eric and Lori Blatstein, 211 Lily Pond Lane, the application has been withdrawn. So now we will move onto the new hearings, and I will let Ms. Bennett take us away.

ORIGINAL HEARING

40 Middle Lane LLC – 40 Middle Lane – SCTM #301-4-12-4.3

Ms. Bennett: Application of 40 Middle Lane LLC, SCTM#301-4-12-4.3, for a Variance from Chapter 278, Zoning, to permit the transfer of 76,862 square feet of land area to property identified as 50 Middle Lane. A 76,862 square foot variance is requested from Section 278-3.A.(1) to reduce the size of the property from 160,000 square feet to 83,138 square feet where the minimum required lot area is 160,000 square feet, and any other relief necessary. The land area is being transferred to property identified as 50 Middle Lane and will be made conforming to the minimum lot area requirements. This project also requires subdivision approval of the Village Planning Board. The subject property is located at 40 Middle Lane and is in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Jon, do you want to take it away.

Mr. Tarbet: Hi, Jon Tarbet for the applicant. My client owns both these properties, they originally purchased the vacant land with the intention of building a home and then the property next door, which is already improved, came on the market. There are two preexisting nonconforming conditions on these properties. The first is that the improved property is actually over what would be allowed in gross floor area today, the second is the tennis court exists without a primary structure on the vacant land. If the variance were granted to allow us to move the lot line, those two preexisting conditions would go away. The improved property would then be under the allowable gross floor area, the tennis court would be incorporated into the improved property. So besides that, what is really going on here is like a mirror flip so the vacant land which is large, would become relatively small for the zoning district, and the improved property, which is pretty built on, would then be on a bigger property and it would fit more appropriately onto that property. Other than that, we went to the Planning Board, they indicated they were in favor of the application and the variance is to make a property smaller than what is allowed, but, again, it is just a mirror flip. My client would then, the intention is to keep both properties, but the improved property is under renovation right now, and it would essentially be kept as a compound for the time being.

Mr. McGuirk: Billy, do you want to comment on this for the Board, and then we will all chime in?

Mr. Hajek: Sure, good morning Members of the Board. Billy Hajek for the Village. Jon summarized it pretty well. I offer no real concerns with the project. The lots are maintained in a generally rectangular shape. It essentially is an even swap of land between the two properties so it does not increase the degree of nonconformity when you look at the two lots as a whole, and as Jon has indicated, actually corrects two nonconforming conditions that presently exist. The Planning Board did look upon this pretty favorably and they were just waiting for the Zoning Board determination in order to act on it. So if you have any specific questions for me, I would be happy to answer them.

Mr. O'Connell: I do. Planning Board is lead agency, correct?

Mr. Hajek: It is actually a Type II Action, lot line modifications now are a Type II Action so it is not subject to SEQR, and because it is not a previous subdivision, well it does not require a modification of a prior subdivision.

Mr. Sykes: Are you kidding me?

Mr. Hajek: I am sorry? So in any event, we do not have to worry about SEQR.

Mr. O'Connell: Okay.

Ms. Bennett: There might be a neighbor too when you are done with questions, there might a neighbor who would like to speak.

Mr. Sykes: I am a semi neighbor, can you hear me?

Ms. Bennett: Yes.

Mr. Sykes: Excuse me for my outbreak, I was yelling at my computer, I do not even see my name up here, I do know what the hell is going on, I am not familiar with whatever this is, zoom meeting, stop smiling Mr. Tarbet, that is okay, I am kidding. Can you put me on so you can see me at least?

Mr. McGuirk: Sir, can you please state your name and where you live.

Mr. Sykes: Yes, I am Jamie Sykes, I am a resident at 26 Middle Lane. I am sorry, I was on before and then I got knocked off, I apologize for my outbreak, I was not mad at you guys, I was mad at myself.

Mr. Rose: Your video may be shut off on your computer because we hear you, we just do not see you.

Mr. Nower: We have your video enabled here at LTV.

Mr. Sykes: Anyway, I will keep going, I am happy to listen in as long as I know I can be heard.

Mr. McGuirk: Yes, Mr. Sykes. Any Board Members have any comments on this? Go ahead Mr. Rose.

Mr. Rose: So I understand making the existing developed portion of the two properties conforming, my question regards the what now becomes a nonconforming lot. What is the implication in terms of what is permissible to be built on that property? Is there a net increase of what happens? Is there a rationale other than it makes the existing property conforming, existing developed property? What becomes permissible? Is there a net increase in the amount of development that becomes allowed as a result of this or is there a...

Mr. Hajek: Actually, I believe there is going to be a net decrease in the overall amount of development that would result from it.

Mr. Rose: So there is no contemplated, let me ask, is there a contemplated follow on application or is this just a mirror swap to make a property conforming?

Mr. Tarbet: I can answer that question. There is no current plan for the vacant lot. It is intended to be kept at this point as vacant land.

Mr. Humphrey: Jon, is that, with 40 being nonconforming as a result of this, can the owner actually sell this and could somebody continue to develop it or what? What happens to it?

Mr. Tarbet: So the vacant lot could be built on today and it could be built on if the owner were ever to sell it. Essentially the only change would be that as a bigger lot right now, you could build a 10,000 square foot house on it, and as a smaller lot, if the lot line modification were to go through, you could be a, I am rounding,

but you could build a 7,000 square foot house because it would then be a smaller lot. So it is about a 30 percent decrease in how big a house you can build and what Billy was saying is as far as a net decrease in what you could build here, the improved property is already pretty much built out I think as a result of the lot line modification you could maybe build a little more on it, I think it has 9,000 square feet of existing gross floor area so there may be a little room to add onto that house if the owner were ever want to but nowhere near the 3,000 square feet of gross floor area that you are losing on a vacant lot by doing the lot line modification.

Mr. McGuirk: Anybody else have any comments?

Mr. McMullan: I do not have any problem with this at all.

Mr. Rose: I just make a comment in light of what was said, it makes sense, that I assume the Board would look skeptically to have it come back and then say oh we need additional floor area if the other lot were ever to be developed because it is a nonconforming lot given that this action is what is making the lot nonconforming.

Mr. Tarbet: I am happy to acknowledge that that would be not something I would want to do, bring that to your Board.

Mr. McGuirk: I make one of these applications at a time so I hear your concerns
Mr. Rose. Do I have a motion to close the hearing...

Mr. O'Connell: I would like to hear from the neighbor.

Mr. Sykes: Yes, can you hear from the neighbor please.

Mr. O'Connell: Can you swear the neighbor in.

Ms. Bennett: Mr. Sykes?

Mr. Sykes: Yes?

Ms. Bennett: Raise your right hand and state your name and address for the record.

Mr. Sykes: You cannot see me.

Ms. Bennett: I know. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Sykes: I am James Sykes, absolutely.

Ms. Bennett: Thank you.

Mr. Sykes: So you have no intentions at this point to do anything with the two-acre parcel, is that right?

Mr. McGuirk: Mr. Tarbet?

Mr. Tarbet: I have been involved in a lot of discussions, none of those involved any development of that property, I cannot say beyond that. I have never heard of any development of the property and I have been involved in a lot of discussions.

Mr. Sykes: Is there anybody at the meeting who is representing the Olshan family?

Mr. McMullan: I do not believe so.

Mr. Sykes: Have you had any conversations, Mr. Tarbet, with the Olshan family?

Mr. Tarbet: Sorry I do not know who they are.

Mr. McGuirk: Mr. Sykes, I believe that everybody in the neighborhood gets notice within 300 feet of the property so they have been notified by mail. Ms. Bennett, you can back me up and tell us what you...

Ms. Bennett: That is correct.

Mr. McGuirk: So they have been notified.

Mr. Sykes: I am just a little surprised. Can I comment that I am a little bit surprised that the Olshans are not represented at this meeting because they are the neighbors, they are 32 Egypt Lane, they also have a house on Further Lane, and they will be somewhat, slightly offended by this transaction which I am not opposing, I am just trying to understand it better. So the effect on the Olshans is whatever structure will be built, if it is built, will be about 100 feet closer to their property if it is centered in the middle of the new two-acre property. I have a bunch of maps but I have no idea how to upload them so I am a little bit surprised

that the Olshans have not approached you or reacted to this but that is the case, I guess. So this is my next question. My fear, okay, is that now there is a two-acre parcel next door to me, excuse me, next door to the Olshans. The Olshans have 5.7 acres in their property. If they decided to subdivide it to do the same thing that 50 Middle Lane did, they could buy the new two-acre parcel, combine it with their parcel, subdivide it, and I could have a big hideous house go up next to me. So can you give me some, or maybe the Board could comment on that, if that were to happen, would that come before the Board and would I get any, have any status to complain about that? I mean in other words if Middle Lane is sort of going downhill generally, and one of the nice aspects of it is that there is this nice open parcel that is next to me, it is certainly very nice for me, I certainly cannot complain about that so that is my fear, and I just wonder if the Board, if that were the application that were in place, what position would the Board take on that?

Mr. O'Connell: Can I make a comment?

Mr. McGuirk: I really do not have a comment, Mr. Sykes, I cannot predict the future here. Go ahead, Phil.

Mr. O'Connell: Any subdivision would have to be noticed, any lot line modification, just as this was, has to be noticed so you would have notice and you would have an opportunity via the public hearing to speak.

Mr. Rose: I would like to follow up because I think relates to the question that I was asking to Billy but in terms of what could be built on the property that now becomes smaller as a result, is that any way affected in terms of setbacks or other than square footage that can be developed, is there any impact in terms of house location as a result of this adjustment?

Mr. Hajek: The yard setbacks would be reduced proportionally from the lot area, not a dramatic change, the setbacks are based on the lot size, but with the reduced setbacks, you are going to have a reduced house size so it is all proportion.

Mr. Rose: What is the setback adjustment that comes as a result?

Mr. Hajek: Bear with me one second.

Mr. Tarbet: Billy, as you look that up, I think the new lot would be 83,000 square feet so the old lot, let me look at the numbers for you.

Mr. McGuirk: It is 83,138.

Mr. Hajek: Yes, so the front yard setback would go from 80 feet to 70 feet and the side and rear yard setbacks for principal building would go from 55 feet to 50 feet so a fairly minimal change.

Ms. Baldwin: This property is already two, you have two lots, you are going to two lots, I think the neighbor was concerned about a subdivision of the lot next to him from one lot into two lots. So it is not the same situation. There already are two lots here, it is just re-orienting where the line, subdivision line is.

Mr. Sykes: I have no objection to the...

Mr. Goldstein: Can I...

Mr. Sykes: What kind of protection I might have.

Mr. Goldstein: We represent the Olshans and the neighbor's comment, we do not know if the Olshans received notice of this or what happened or whatever your feelings are about it, we would just like a continuance until the next meeting to ascertain that they do not have any objections.

Mr. Tarbet: We would object to that just because that pushes us back another month. We have had a long process where we have been to the Planning Board and the Zoning Board and it is important to realize I did look up, the Olshans are the neighbor where we are proposing to change a lot line so there would be a 30 percent smaller house, we are going from a 10,000 to 7,000 square feet what could be built on that lot so I cannot imagine a scenario where they would object to this. And again, they did get notice, so to ask for a continuation...

Mr. Goldstein: They actually did get notice, it is confirmed as being received?

Ms. Bennett: It is confirmed as being sent. I did send it.

Mr. McGuirk: I believe that is all we ever do. That is what you did, Mr. Goldstein, when you were Chairman, we send the notices out, we expect that they are received. I make a motion that we close this hearing.

Mr. Humphrey: Second.

Mr. O'Connell: Second.

Mr. Sykes: Can I make one more comment, please.

Ms. Baldwin: The record has been closed.

Mr. Sykes: I think it is...

Mr. McGuirk: We have closed the hearing.

Mr. Rose: Did we? Did we close it or we had a motion, did we vote on it?

Mr. McGuirk: We had a motion, we had a second...

Mr. Sykes: I object to you closing it.

Mr. McGuirk: And your objection?

Mr. Sykes: And if you notice, Mr. Tarbet first said that did not know who the Olshans were, and now he just said yes, he did know who the Olshans were. The Olshans are in the real estate business, they know what the hell they are doing, I am sure they got the notice and so that is fine, close the meeting off, but I just want that to be recorded.

Mr. Goldstein: I request for a continuance which was apparently denied.

Mr. McGuirk: So we have a motion on the floor, all in favor?

Mr. O'Connell: Aye.

Mr. Humphrey: Aye.

Mr. McGuirk: Can we move on to, Ms. Bennett, move on to the application of 7 Chauncey LLC.

ORIGINAL HEARING
7 Chauncey LLC – 7 Chauncey Close – SCTM #301-15-5-2

Ms. Bennett: Application of 7 Chauncey LLC, SCTM#301-15-6-2, for Area Variances from Chapter 278, Zoning, to construct a third story addition and a roof

deck onto an existing residence. A 1.5-foot variance is requested from Section 278-3.B.(2)(a) to permit a portion of the residence to contain a height of 36.5 feet where the maximum permitted height is 35 feet. A variance is requested from Section 278-2.B.(1) to permit a 425 square foot third story in a single-family residence where a single-family residence shall not have more than two stories, and any other relief necessary. The subject property is 106,133 square feet in area and is located at 7 Chauncey Close in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Mr. Tarbet again, please.

Mr. Tarbet: Hi, Jon Tarbet again for the applicant. This is another application where my client has recently bought the property, I believe the existing house was built by Kevin Mulvey in 1996, he used Zwirko Ortmann Architects and my client has gone back to Zwirko Ortmann, most of their renovations are interior renovations. The property is permitted 8,500 square feet of gross floor area, we are currently at 7,300 square feet of gross floor area so we have about 1,200 square feet of gross floor area we can do an addition with. In meetings with Zwirko Ortmann Architects, different scenarios discussed, additions to the existing house are not ideal, there are setback issues as well, it is just architectural issues, so in order to come up with a little extra square feet which is about 250 square feet, we decided to appeal to this Board to allow for a third story variance and in that process, I was talking to Billy about it, there is some question about whether that would trigger the need for a new septic system or whether we are just offering it as mitigation, in either event, if the variance were to be granted, a new septic system, the IA system will be installed, and we also decided, again, it is not entirely clear to me if the entire house would need to be sprinkled or not but we are proposing to sprinkler the entire house. And the square footage just essentially gives a home office to the new owner. In addition, there was some discussion about trying to do a widow's walk which, essentially, I think we probably ended up applying for more than we need. I was speaking to the architect and the applicant in the last couple of days, and I think we applied for about a 250 square foot, now I apologize, I said 250 square feet for the third floor, it is 450 square feet on the third story. The roof deck that we originally or widow's walk that we originally applied for was 250 square feet, and we actually do not need that big so we were going to offer to cut it back to 100 square feet, ideally it is just an area where you can go out and put a telescope up and look out at the stars. We also would be willing to covenant, if that variance were granted, that we would not use any of the remaining gross floor area that is available which is approximately 821 square feet. The house is about 8,000 square feet at this point so you have about a 4,000 square foot

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deck, the 100, if my math is correct, the 100 square foot widow's walk would be essentially two and one-half percent of the roof area so it would be real tiny. The height variance, the widow's walk itself would be conforming to Code, it is the railing that would need a variance and that railing has been whittled down to needing a ten and one-half inch variance.

Mr. McGuirk: Thank you. Does anybody want to take this out on for the Board?

Mr. Humphrey: Yes, John, I have a question. The building height, it looks to me like it is, the variance for the building height is not just caused by the widow walk, as I understand it, but it is the peak of the house, that corner of the house that has a, for lack of a better term, a rounded room on the first floor and that whole corner of the house seems to go up and exceed building height by a couple of feet, is that correct?

Mr. Tarbet: I think you are looking at the existing elevation. So there is no proposal to change anything that is existing. The only addition, I guess the easiest thing for me to do is confirm that the only thing that we would request on the outside of the house would be the ten and one-half inch variance for the railing to go around the 100, slightly less than the 100 square foot, widow's walk.

Mr. Humphrey: So it is not the peak of the corner of the house, it is the widow walk that causes this variance in the height.

Mr. Tarbet: Correct.

Mr. McGuirk: Personally, I am in favor of giving you the third-floor office, I do not know, Billy, is it considered an office because it has the, is it a bedroom because of the full bath up there?

Mr. Hajek: Well, they could label it an office, they can label it whatever they want, in terms of whether or not it contributes to the bedroom count the whole building would have to be analyzed to determine whether or not it would trigger a septic upgrade. The Health Department gives you a certain number of rooms, regardless of how you label them, and then any room beyond that figure, which I believe is four, counts as a bedroom. We would have to look at the floor plans for the entire house which I do not have.

Mr. Tarbet: We did apply to the Health Department for an IA system already, hopefully not prematurely.

Ms. Hugo: I am Michele Hugo, architect, with Zwirko, Ortmann and Hugo Architects.

Ms. Baldwin: You have to get sworn in, Michele.

Ms. Hugo: I can clarify this.

Ms. Baldwin: You are muted, Pam.

Ms. Bennett: Please raise your right hand and state your name for the record.

Ms. Hugo: Michele Hugo.

Ms. Bennett: Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. Hugo: I do.

Ms. Bennett: Thank you.

Ms. Hugo: Just to clarify the septic situation currently, there are two systems because of the proximity to the pond this has very high ground water so originally in 1996 when David Saskas designed the septic system for the house, he designed two systems. We are proposing to upgrade both systems, a total of six bedrooms is required, this existing system is sufficient for six bedrooms and currently there are five bedrooms. The addition of the third story would, we have applied for an expansion of one of the systems to accommodate for that extra bedroom that is currently in process of being reviewed by the Health Department.

Mr. O'Connell: I would like to make some comments but is everybody from the public that is on needs to speak first?

Mr. Gambino: There are no callers on the line.

Mr. O'Connell: So I do have an issue with the widow's walk based on the fact that you are under GFA I have no issue with the third-floor office and I think it makes more sense than expanding out in the footprint in an environmentally sensitive area, and I thank the applicant for sprinkling the entire home and for the upgraded septic systems. I think those are great, it is the health of the pond. Those are my comments.

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Mr. McGuirk: Mr. Rose?

Mr. Rose: I do have concerns about the third floor and I have concerns about the idea of a roof deck. I think the most sensitive and important aspect in terms of community character and impact is on the pond side of this property, which is an important natural and public resource, I think having decks at the upper portion of the house in effect what this does, as I look at the plans, is create this in effect a third-floor type terrace, this widow's walk, which is not in character with the surrounding area. I am concerned about the impact on the character of the area. I do not have a problem from the square footage, but I do have a problem with the giantism as it approaches the pond side.

Mr. McGuirk: Thanks Joe. Craig?

Mr. Humphrey: No, I am still concerned about the building height, I think it goes along with Joe's comment, and I also wonder is there a Fire Code issue here, a safety issue, how do they get out of the third floor if there is a fire?

Mr. McGuirk: I believe when you develop the third floor, you have to put a sprinkler system in.

Mr. Humphrey: The sprinkler is what does it?

Ms. Hugo: Yes.

Mr. McMullan: Yes.

Ms. Hugo: There is also egress windows would be put into that dormer for that room to have egress out the window as well as sprinkling the path of egress out to the front door is also required.

Mr. Humphrey: The egress is not clear on the plans at all.

Ms. Hugo: Okay, there are the three windows in the office and those on the elevation are marked egress, it may not be clear, but we would have egress from those windows.

Mr. McMullan: A-4.2.

Ms. Hugo: Yes.

Mr. Rose: Question, Mr. Chair?

Mr. McGuirk: Yes, Mr. Rose?

Mr. Rose: I am not sure who this is to, whether it is Billy or Pam or the applicant or the applicant's attorney, are there any other examples of third floor variances or third floors constructed along the Georgica Pond? Is there any example of where anything like this has been done before?

Mr. Tarbet: I can speak to it a little bit. I am not exactly sure about Georgica Pond. I can tell you that this Cove Hollow section of Georgica Pond is subject to covenants and restrictions which are pretty strictly enforced. There is an architectural review of any house built in this, there might be 40 homes in this area, and we did apply to that Board for review and they did tell us that they had no objections, actually supported the application. So as far as, it is not visible from the outside, but even if it were, we do have, for what it is worth, the approval of the architectural committee that strictly supervises any construction. Even if you need no variances, the architectural committee in Cove Hollow Farm subdivision reviews all plans.

Mr. Rose: Understood. I am asking Beth or Billy...

Mr. Hajek: Mr. Rose, I am not aware of, in five and one-half years of working for the Village, I am not aware of any roof deck variances or third floor variances that have been granted in the Cove Hollow Farm subdivision or for that matter around Georgica Pond.

Mr. McGuirk: We have granted a few around the Village, we did one on Sherrill Road I think, Mr. Goldstein was Chair at that time, but we did do one on Sherrill Road where they did an office on the floor, they did add a sprinkler system to it.

Mr. Tarbet: We also know that, at least as far as the lanes go in the Village, there are preexisting nonconforming...

Mr. Rose: I have three stories. I understand that there are situations of preexisting third floors but I express on the record for the hearing a deep concern about creating an openness or precedent in terms of involving third floor variances and new construction especially in areas that are sensitive in terms of character and environment.

Ms. Hugo: I just want to point out as well that this was a choice that was made because of the sensitive area and also to, instead of expanding this footprint to utilize some of the existing attic space because the roof, existing roof, is quite steep and creates a volume above the gross floor area of the existing house at the third level. Adding the dormer was simply to gain the egress and the headroom that we needed to utilize that space so we thought that was the path of the least disturbance to the area and keeping in character we thought, that was a big importance to our client as well as to us to keep the character of the house intact. This is one of our previous projects and one that we are very proud of and wanted to add to sensitively.

Mr. Tarbet: I think that is an important point to Mr. Rose's comment that if we were to tear this house down and do new construction, I think the Board has been pretty consistent in telling people that for new construction purposes, you should design to the Code. Typically, I know this Board only grants variances in situations like this where you are trying to repurpose a house so I think for new construction it will be a different situation.

Mr. McMullan: I have a quick question for Michele. Do you know what the ceiling height would be in that office space?

Ms. Hugo: Yes, it is just eight foot.

Mr. McMullan: Just eight feet, okay.

Ms. Hugo: At the dormer it is actually sloped down to about 7'3" over the window.

Mr. Tarbet: We did consider trying to drop the floor, to drop the ceiling height in order to not have a variance, that was my first thought.

Mr. McMullan: Right.

Mr. Tarbet: I wish we could have.

Mr. McGuirk: So I think, Jonathan, I think the Board is split here a little bit. I am not talking for the Board but I do not think we are in favor of the widow's walk at all and I think some people have concerns of the third floor. Do you want to adjourn this and come back to us?

Mr. Tarbet: No, so we have been holding off for a number of months on our renovation plans in order to find out about the third story, it is sort of a crucial part so we would withdraw the widow's walk application in its entirety if there was consensus on the Board to grant the third story variance just because nothing can occur in the house until we know the direction of that.

Mr. Rose: Mr. Chair, can I ask a follow-up question?

Mr. McGuirk: Yes.

Mr. Rose: So, and maybe I have this wrong, is part of the third-floor application, does that include access to this area that will be serviced by the widow's walk or this terrace? What is essential for utilizing the interior space for an office with some dormered windows and what involves anything that has a roof deck or roof access on a higher level than is now currently the case.

Mr. Tarbet: I apologize, I am not exactly sure, Michele did you...

Ms. Hugo: I am not sure if this is answering exactly your question, but the stair that is accessing the roof deck would be removed as well as the roof hatch that is the access to the roof.

Mr. McGuirk: So I have no problem myself with the office or bedroom or whatever we are going to call it on the third floor.

Mr. McMullan: I do not either.

Mr. O'Connell: As far as you removing the widow's walk, that portion of the application, the hatch and the stairs, I am fine with it.

Mr. McGuirk: Okay. Craig?

Mr. Humphrey: It is good, let us do it if the widow's walk and the hatch is removed and it is clear that there is an egress from the third floor, I am okay with this.

Mr. McGuirk: Okay.

Mr. O'Connell: I make a motion to close the hearing.

Mr. McGuirk: So I have a motion to close the hearing.

Mr. McMullan: Second.

Mr. McGuirk: Second, okay. All in favor?

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. Humphrey: Aye.

Mr. Tarbet: Thank you very much.

Mr. McGuirk: If we have no other business, can I have a motion to close the meeting.

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. Humphrey: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. Humphrey: Aye.

Mr. O'Connell: Aye.

Mr. McGuirk: Thank you all.

The meeting was adjourned at 11:44 a.m.

continued on next page

**NOTICE OF
HEARING**

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the Emergency Services Building, One Cedar Street, East Hampton, New York, on Friday, March 12, 2021 at 11:00 a.m., or via video-conferencing if necessary, on the following applications and to conduct such other business as may come before the Board. If you would like to participate in the Zoom meeting, contact pbennett@east-hamptonvillage.org. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of 40 Middle Lane LLC, SCTM#301-4-12-4.3, for a Variance from Chapter 278, Zoning, to permit the transfer of 76,862 square feet of land area to property identified as 50 Middle Lane. A 76,862 square foot variance is requested from Section 278-3.A.(1) to reduce the size of the property from 160,000 square feet to 83,138 square feet where the minimum required lot area is 160,000 square feet, and any other relief necessary. The land area is being transferred to property identified as 50 Middle Lane and will be made conforming to the minimum lot area requirements. This project also requires subdivision approval of the Village Planning Board. The subject property is located at 40 Middle Lane and is in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of 7 Chauncey LLC, SCTM#301-15-6-2, for Area Variances from

Chapter 278, Zoning, to construct a third story addition and a roof deck onto an existing residence. A 1.5-foot variance is requested from Section 278-3.B.(2)(a) to permit a portion of the residence to contain a height of 36.5 feet where the maximum permitted height is 35 feet. A variance is requested from Section 278-2.B.(1) to permit a 425 square foot third story in a single-family residence where a single-family residence shall not have more than two stories, and any other relief necessary. The subject property is 106,133 square feet in area and is located at 7 Chauncey Close in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of Eric and Lori Blatstein, SCTM #301-15-4-12, for Area Variances from Chapter 278, Zoning, and Chapter 160, Flood Damage Prevention, to construct a detached garage. Variances are required from Sections 160-14.(B)(2)(c), 160-14.(B).(3) and 160-14.(C)(1)(a) to construct a basement and install mechanical equipment below the base flood elevation requirements. A variance is required from Section 278-3.A.(5)(f) to construct a detached garage within the front yard area of the lot. Variances of 33.6 feet and 35 feet are required from Section 278-3.A.(5)(a) to construct a detached garage and cellar egress 21.4 feet and 20 feet from a front yard lot line where the required front yard setbacks are 55 feet. An approximate 2.5-foot variance is required from Section 278-3.D.(6)(c) to construct a detached garage approximately 22.5 feet in height when the maximum permitted height is 20 feet. Variances are

required from Sections 278-1 (definition of garage) and 278-3.D.(4)(a) to permit an exercise room in a detached garage where detached garages are limited to storage and parking automobiles. An 845 square foot variance is requested from Section 278-3.A.(9) to permit 11,474 square feet of coverage where the preexisting coverage is 10,629 square feet and zoning limits coverage on this property to 10,394 square feet, and any other relief necessary. The subject property is 52,630 square feet in size and is situated at 211 Lily Pond Lane and fronts on the Atlantic Ocean. The property is located in Residence District R-160 and is in FEMA Flood Zones VE and AE. This project is classified as a Type II Action in accordance with SEQR.

Said Zoning Board of Appeals will at said time and place hear all persons who wish to be heard in connection with the applications. Interested parties may be heard in person, by agent, or by attorney. Dated: February 19, 2021
By Order of John L. McGuirk III, Chairman
Zoning Board of Appeals
Inc. Village of East Hampton
33-2



FILED
VILLAGE OF EAST HAMPTON, NY
DATE: April 9, 2021
TIME: 3:00 p.m.

16342

